



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

| | | |
|-------------------------------------|---|---|
| CITY OF PONTIAC GENERAL EMPLOYEE'S | : | x |
| RETIREMENT SYSTEM, | : | |
| | : | |
| Plaintiff, | : | |
| | : | |
| - v - | : | |
| | : | |
| LOCKHEED MARTIN CORPORATION, ROBERT | : | |
| STEVENS, BRUCE TANNER and LINDA | : | |
| GOODEN, | : | |
| | : | |
| Defendants. | : | |
| | : | x |

11 Civ. 5026 (JSR)

ORDER

JED S. RAKOFF, U.S.D.J.

Pending before the Court in the above-captioned case is a motion by the defendants for an order granting summary judgment pursuant to Rule 56(c) of the Federal Rules of Civil Procedure, which is document number 59 on the docket sheet of this case.

The Court notes that this limited motion concerns the issue of whether defendants are entitled to summary judgment now that several confidential witnesses on which the complaint relied have sworn that they never disclosed to plaintiff's investigator the allegations attributed to them in the complaint. Thus this motion must be distinguished from the defendants' "omnibus" motion for summary judgment, the pleadings and oral argument for which are still pending.

After careful consideration, and for reasons that will be stated in a forthcoming written opinion, the defendants' motion is hereby denied. The Court expresses no opinion on the underlying merit of the pending "omnibus" motion for summary judgment.

The Clerk of the Court is directed to close document number 59
on the docket sheet of this case.

SO ORDERED.



JED S. RAKOFF, U.S.D.J.

Dated: New York, New York
December 13, 2012